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C O N F I D E N T I A L SECTION 01 OF 03 ALGIERS 000625

SIPDIS

STATE FOR DRL/IRF WARREN COFSKY

E.O. 12958: DECL: 05/28/2028

TAGS: [PHUM](#) [KIRF](#) [KDEM](#) [PGOV](#) [AG](#)

SUBJECT: JUDGE DEFERS DECISION IN HIGH-PROFILE RELIGIOUS
FREEDOM CASE

REF: ALGIERS 491

Classified By: DCM Thomas F. Daughton for reasons 1.4 (b) and (d).

¶1. (C) SUMMARY: On March 30 Habiba Kouider, an Algerian who converted to Christianity approximately four years ago, was charged in the western Algerian town of Tiaret with illegally practicing a non-Muslim religion. On May 27 the Tiaret court delayed giving a final verdict in the case, choosing instead to refer it for additional investigation. Since the case first appeared in the French media in mid-May, elements of the Algerian press have remarked with growing alarm that it represents a threat to Algeria's tradition of religious freedom and tolerance. We have engaged the government at several levels to underscore the damage Kouider's case is doing to Algeria's image and the potential negative impact it could have on our bilateral relationship. End Summary.

NEXT TIME TAKE THE TRAIN

¶2. (U) According to press reports, in late March Habiba Kouider was traveling by bus from Oran toward Tiaret when police questioned her and found Bibles and other religious materials in her possession. She was charged in Tiaret with illegally practicing a non-Muslim religion. (Note: The proces-verbal charging Kouider does not specify the legal provision under which she was charged. End note.) In a hearing before a local judge on March 30, the Tiaret prosecutor asked that Kouider receive three years in prison. On May 27, a Tiaret judge deferred a final decision pending additional investigation of the case. Khelloudja Khalfoun, Kouider's lawyer, told the press after the decision that she expected the investigation to take place within a week. A verdict might be rendered once the investigation has been completed.

THE PRESS REACTS

¶3. (U) Algerian French-language newspapers have reported the story with growing intensity since it appeared in a Paris newspaper on May 21. The May 27 edition of El Watan described the case as part of a "crusade" against alleged evangelical proselytizing. The Algerian state is now going after religion, the paper wrote, having already gone after

independent unions, opposition parties and journalists. The article concluded, "Whatever the verdict, Habiba K. is already a symbol of courage and freedom." A May 27 editorial in Liberte said Kouider was a not a victim of the Algerian justice system but of "an atmosphere of lynching." It asserted that the case has taken Algeria backwards and that Islamist groups want to make an example of Kouider. Readers were reminded that the international community is watching the situation closely.

¶4. (C) Algeria's Arabic-language press has been largely silent about the Kouider case -- in stark contrast to the recent campaign in the Arabic press about alleged Christian proselytizing in Algeria (reftel). The silence was broken May 27 in El Khabar, which commented, "We have just gotten rid of the image of terrorism and now we have the ugly picture of clamping down on the freedom of worship." The paper opined that statements by some government officials have contributed to an image of an Algeria where "worshippers of other religions are crucified and hunted down." El Khabar concluded that "it is time for Algeria to make friends on the international scene and send further signals that give confidence to partners."

ENGAGING THE GOA: MFA

¶5. (C) In the lead-up to the May 27 hearing, Embassy engaged the ministries of foreign affairs, religious affairs and justice about the Kouider case. On May 25 the Ambassador told MFA Director General for the Americas Fatiha Selmane

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that the Tiaret case was generating terrible publicity for Algeria and damaging the country's reputation as a tolerant society. He urged Selmane to tell the foreign minister directly that the U.S. and European embassies were watching the case closely, as were other observers including the U.S. Congress. The best result, the Ambassador opined, would be for the court to throw the case out and for the government to find ways to reassure the Christian community in Algeria. Selmane acknowledged that the case had generated bad international reactions. Speaking personally, she said she thought the Tiaret judge had gone well beyond the bounds and she hoped the eventual court decision would not further tarnish Algeria's image. She cautioned, however, that some important elements within Algerian society felt strongly about Christian evangelicals trying to convert Algerian Muslims, and she warned that the case was very sensitive politically.

THE RELIGIOUS AFFAIRS MINISTRY

¶6. (C) Ministry of Religious Affairs Director of Religious Orientation Mohammed Aissa told PolEc Chief May 26 that his knowledge of the case was limited to what he had read in newspaper articles, but he added that his ministry was concerned about the situation and agreed that the case was not good for Algeria's image. PolEc Chief told him that as the story gained traction in the Western media, it would have a very negative effect on Algeria. He encouraged the Algerian government to act to prevent the situation from becoming a major irritant in its bilateral relationship with the United States.

AND THE JUSTICE MINISTRY

¶7. (C) On May 26 DCM raised the Kouider case with Ministry of Justice Director General for Judicial and Legal Affairs Mohamed Amara. Amara admitted that he had not seen the specific elements of the case, but cautioned that the judge was completely independent and the justice ministry was unable to intervene or influence the judge's decision. Amara called the press coverage of the Kouider case unprofessional

and unobjective and asserted that the reporters had gone to Tiaret with the specific intent of writing skewed stories. Addressing derogatory comments towards Kouider allegedly made by the judge in March, Amara stressed it was "impossible" that the judge said such things. It was important to note, he added, that the prosecutor in Tiaret, rather than the judge, had started the legal proceedings against Kouider. The judge's role, Amara added, was to hear all sides of the case, review the law and facts, and rule on the accusation.

¶8. (C) Amara also asserted that the case was being tried under Ordinance 06-03, which regulates non-Muslim worship in Algeria. Despite the claims in the media, he said, Ordinance 06-03 was "clear," as was the Algerian constitution's protection of freedom of religion. Amara denied that the case concerned whether Kouider lacked "authorization" to practice Christianity, as had been reported in the press. It was instead an issue of authorization to engage in worship ceremonies and other practices. Algerian law, he pointed out, had controls over the modalities of worship for all religions, including Islam, and was within its rights to do so under relevant international human rights conventions. Amara concluded that even though the judge was independent of ministry influence, the legal system had all the necessary "protections" built in: the decision could be appealed, "even to the Supreme Court."

COMMENT

¶9. (C) Kouider is the latest casualty in the ongoing fight to control Algeria's religious identity. Her case has been distinguished by the vigorous complaint in the local press that individual freedom and an Algerian history of religious

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tolerance are under attack. In contrast to the recent media furor over alleged proselytizing, which stressed the threat to Algeria of Christian evangelization, the press has zeroed in on the importance of preserving the right of the individual to choose a religion. The French-language media has even suggested that the compromise of Kouider's right to choose could mark the return of Islamic extremism. Their view is not universally held, however: on May 22 Prime Minister Belkhadem told a competition of Qu'ran-chanters that, "The Algerian society's constitution is the Qu'ran ... and that will never change."

¶10. (C) The Algerian press has also noticed that the Kouider case is focusing considerable negative international attention on Algeria, but the willingness to tolerate that attention has sharply defined limits. French Human Rights Minister Rama Yade's May 25 denunciation of the legal proceedings against Kouider generated a swift and negative reaction in the Algerian press. One French-language editorial said Yade's comments represented unacceptable interference in Algerian internal affairs and that the Algerian people "need take no lessons from anyone on religious tolerance". The three Islamist parties (MSP, Islah and Ennahda) joined the fray, calling the French position on Kouider a pretext to create a Christian minority in order to divide Algerian society.

¶11. (C) Legally, the MOJ's Amara observed that Kouider's case was being handled as a non-serious offense, i.e., no investigating judge (juge d'instruction) was involved and Kouider was not been detained pending trial. In deciding on May 27 to refer the case for investigation, the Tiaret judge may have been looking for a face-saving way out of the mess. The juge d'instruction will have the authority to determine if probable cause exists for a trial, and can void the charges if their legal basis is insufficient.

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